

REMARKS/ARGUMENTS

The rejections presented in the Office Action dated November 13, 2006 (hereinafter Office Action) have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant appreciates the indication of allowance of Claim 41.

Without acquiescing to characterizations of the asserted art, Applicant's claimed subject matter, or to the applications of the asserted art or combinations thereof to Applicant's claimed subject matter and in an effort to facilitate prosecution, Applicant has amended each of the rejected, independent claims (Claims 1, 25, 28, 35, 38, 43, 45, 46 and 47) to characterize that the information about the location of the mobile device is transmitted using a predetermined resource in response to the transmitting of speech and/or data using the predetermined resource. Support for these changes may be found in the instant Specification, for example, at paragraphs [0032] and [0034]; therefore, these changes do not introduce new matter. Applicant submits that each of the independent claims is patentable over the cited references for the reasons discussed below.

With respect to the §112, first paragraph, rejection, the objected-to subject matter has been removed rendering the rejection moot. Applicant does not acquiesce to the assertion that the claimed location related information is related to the claimed transmitted speech and/or data, and such limitations were not introduced for patentability reasons with respect to at least independent Claims 1, 28, 35 and 43. At least these independent claims and their corresponding dependent claims are patentable over the asserted references for the reasons presented in the previous response regarding a mobile device including information regarding a method with which the location was determined with the location information. Moreover, the assertion that "[i]t would defeat the purpose to provide unrelated location data" does not identify "the purpose" to which the assertion refers and appears to ignore at least one stated purpose of the claimed invention. For example, paragraphs [0007] and [0010] of the Specification identify that the claimed invention is directed to providing an improved solution to transfer location related information in a telecommunication system by not using separate resources for the transmission of location related information. The

claimed speech (or data) transmission merely provides transmission access for the location data. In view of the amendments Applicant requests that the rejection be withdrawn.

With respect to each of the prior art rejections (§§102(b) and 103(a)) based at least in part upon the teachings of U.S. Patent No. 6,867,733 to Sandhu *et al.* (hereinafter “Sandhu”), Applicant submits that Sandhu does not teach or suggest each of the claimed limitations. For example, Sandhu does not teach transmitting, with speech and/or data, information about the location of a mobile device in response to the transmitting of speech and/or data, as now claimed in each of the independent claims. The cited portions of Sandhu at column 2 indicate that location data is encapsulated and initially transmitted in an outbound package to a service provider. There is no indication in Sandhu that location data is transmitted in response to a prior transmission. As Sandhu does not teach or suggest each of the now-claimed limitations, Applicant requests that the §102(b) rejection of Claims 25, 38, 45 and 46 be withdrawn.

With further respect to the §103(a) rejections based upon a combination of Sandhu with the teachings of U.S. Patent No. 6,813,501 to Kinnunen *et al.* (hereinafter “Kinnunen”), Applicant maintains that the asserted references alone, or in combination, do not teach or suggest each of the claimed limitations. In addition to the above-discussed limitations, Sandhu also fails to teach a mobile device including information regarding a method in which the location was determined with the claimed transmitted location information as acknowledged at pages 6-7 of the Office Action. As explained previously, the reliance upon Kinnunen fails to overcome at least this deficiency of Sandhu because Kinnunen teaches that a location server attaches the source of the location information (column 8, lines 62-65). Therefore, neither of the asserted references teaches that a mobile device includes information regarding a method with which the location was determined with the location information, as claimed, for example, in independent Claims 1, 28, 35 and 43. Thus, any combination of these references must also fail to correspond to the claimed invention. Applicant accordingly requests that each of the §103(a) rejections be withdrawn.

Dependent Claims 2-24, 29-34, 36, 37, 39 40 and 44 depend from independent Claims 1, 28, 35 and 43, respectively. Each of these dependent claims also stand rejected

under 35 U.S.C. §103(a) as being unpatentable over at least the above-discussed combination of Sandhu and Kinnunen. While Applicant does not acquiesce to any particular rejections to these dependent claims, including any assertions concerning descriptive material, obvious design choice and/or what may be otherwise well-known in the art, these rejections are moot in view of the remarks made in connection with independent Claims 1, 28, 35 and 43. These dependent claims include all of the limitations of their respective base claims and any intervening claims, and recite additional features which further distinguish these claims from the cited references. “If an independent claim is nonobvious under 35 U.S.C. §103, then any claim depending therefrom is nonobvious.” MPEP §2143.03; *citing In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). Therefore, dependent Claims 2-24, 29-34, 36, 37, 39, 40 and 44 are also allowable over the asserted combination of Sandhu and Kinnunen.

With respect to the §103(a) rejections of dependent Claims 10, 11, 13, 15, 32, 37, 16, 17, 31, 33 and 34 based upon Sandhu combined with Kinnunen, in view of U.S. Publication No. 2003/0079135 by Jones (hereinafter “Jones”); U.S. Patent No. 5,544,225 to Kennedy III *et al.* (hereinafter “Kennedy III”); U.S. Patent No. 6,577,622 to Schuster *et al.* (hereinafter “Schuster”); U.S. Publication No. 2002/0196781 by Salovuori (hereinafter “Salovuori”); U.S. Publication No. 2003/0048806 by Haartsen (hereinafter “Haartsen”); and U.S. Patent No. 5,828,987 to Tano *et al.* (hereinafter “Tano”), respectively, Applicant respectfully traverses. As discussed above, Sandhu alone, or in combination with Kinnunen, fails to correspond to the limitations of independent Claims 1, 28 and 35 (from which Claims 10, 11, 13, 15, 32, 37, 16, 17, 31, 33 and 34 depend). The Examiner’s further reliance on Jones, Kennedy III, Schuster, Salovuori, Haartsen, and Tano does not overcome the above-discussed deficiencies in the underlying combination of references. Thus, the asserted combinations of the teachings of Sandhu with Kinnunen, and Jones, Kennedy III, Schuster, Salovuori, Haartsen, and Tano do not teach each of the claimed limitations of dependent Claims 10, 11, 13, 15, 32, 37, 16, 17, 31, 33 and 34, and the rejections should be withdrawn.

With particular respect to the rejection of dependent Claim 11, Applicant further traverses because the asserted combination of references does not teach or suggest each of the claimed limitations. The Examiner acknowledges at page 11 that Sandhu and Kinnunen fail to teach at least one packet comprising information about location replacing at least one speech or data packet. The relied upon portion of Kennedy III merely teaches that the teachings of Kennedy III are applicable to satellite communication systems and packet data communications. No teaching or suggestion that a packet comprising information about location would replace a speech or data packet has been identified. Moreover, no rationale has been provided as to why a skilled artisan would have combined the teachings of Sandhu, Kinnunen, and Kennedy III as asserted. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection of Claim 11 is improper, and Applicant requests that it be withdrawn.

With particular respect to the rejections of dependent Claims 16 and 33, Claims 16 and 33 have been canceled thereby rendering the rejections moot. Applicant accordingly requests that the rejections be withdrawn.

With particular respect to the rejection of Claim 26 over Sandhu in view of U.S. Patent No. 6,885,874 to Grube *et al.* (hereinafter “Grube”), Applicant respectfully traverses because the asserted combination fails to correspond to each of the claimed limitations, as acknowledged in the Office Action. Claim 26 depends from independent Claim 1. At pages 6-7 of the Office Action, the Examiner acknowledges that Sandhu fails to correspond to each of the limitations of Claim 1. However, at page 16, the Office Action asserts that Sandhu teaches the limitations of Claim 26 except for the transmission of location related information being triggered by an external event detected by a sensor of the mobile device, for which such teachings Grube is relied upon. The Office Action has not shown where the asserted combination of references teaches at least, limitations directed to the location information including information regarding a method with which the location was determined, as claimed in independent Claim 1. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection is improper, and Applicant requests that it be withdrawn.

With particular respect to the rejection of Claim 27 over Sandhu in view of Kennedy III, Applicant respectfully traverses because the asserted combination fails to correspond to each of the claimed limitations, as acknowledged in the Office Action. Claim 27 depends from independent Claim 1. At pages 6-7 of the Office Action, the Examiner acknowledges that Sandhu fails to correspond to each of the limitations of Claim 1. However, at page 16, the Office Action asserts that Sandhu teaches the limitations of Claim 27 except for the transmission of location related information being triggered by a voice command or a sound, for which such teachings Kennedy is relied upon. The Office Action has not shown where the asserted combination of references teaches at least, limitations directed to the location information including information regarding a method with which the location was determined, as found in independent Claim 1. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection is improper, and Applicant requests that it be withdrawn.

Regarding the rejection of independent Claim 47, Applicant traverses for the reasons discussed above in connection with the failure of the asserted combination of Sandhu and Kinnunen to teach the limitations directed to a mobile device including information regarding a method with which the location was determined with location information. The additional reliance on the teachings of Silventoinen does not overcome these deficiencies. Without a presentation of correspondence to each of the claimed limitations, the §103(a) rejection is improper, and Applicant requests that it be withdrawn.

With particular respect to dependent Claim 44, Applicant notes that this claim is not included in any of the statements of rejection. MPEP §707.07(d) indicates that where a claim is refused the word “reject” must be used and the statutory basis for any ground of rejection should be designated by an express reference in the opening sentence of each ground of rejection. While it would appear that Claim 44 was intended to be rejected, such a rejection would be improper for at least the reasons presented with respect to independent Claim 43. If it was not the Examiner’s intention to reject Claim 44, Applicant requests clarification, an opportunity to respond, and that any future rejections comply with MPEP §707.07(d).

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (NKO.034.A1) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

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